

STATE OF INDIANA)
COUNTY OF HENDRICKS)

IN THE HENDRICKS SUPERIOR COURT 3
SS: CAUSE NO. 32D03-0710-PL-42

STATE OF INDIANA,
Plaintiff,

v.

DAILY BREW BUILDING SALES, LLC
doing business as
BEAR CREEK COFFEE COMPANY,

Defendant.

FILED
CLERK OF HENDRICKS CO. INDIANA
2009 MAR -3 AM 10:44
Amber Degenhart

CONSENT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Gregory F. Zoeller and Deputy Attorney General Amber Degenhart, and the Defendant, Daily Brew Building Sales, LLC, doing business as Bear Creek Coffee Company, hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interests to resolve the issues raised by the State of Indiana and avoid further litigation. This Consent Judgment does not constitute an admission by the Defendant of any wrongdoing, nor shall it be construed as abandonment by the Attorney General of his position that the Defendant violated Indiana's Business Opportunity Transactions Act. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

JURISDICTION AND SCOPE OF JUDGMENT

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

2. The State of Indiana's Complaint states a cause of action pursuant to Indiana's Business Opportunity Transactions Act, Indiana Code § 24-5-8-1 *et seq.*

3. Defendant is a domestic limited liability company with a principal place of business located at 8372 East U.S. Highway 36, Avon, Indiana 46123.

RELIEF ORDERED

4. Pursuant to Indiana Code § 24-5-0.5-4(c)(1) and § 24-5-8-18, the Defendant, its agents, representatives, employees, successors and assigns, are permanently enjoined from engaging in conduct in violation of Ind. Code §24-5-8-1 *et seq.*, including, but not limited to, engaging in the solicitation and sale of business opportunities without having previously registered as a seller of business opportunities as required by the Business Opportunity Transactions Act.

5. Defendant further agrees to cooperate with the Office of the Indiana Attorney General in resolving any future consumer complaints that the Consumer Protection Division may receive against it, whether the transaction forming the basis of the complaint occurred prior or subsequent to the execution of this Consent Judgment.

6. Defendant agrees to pay costs in the amount of Two Thousand One Hundred Ninety Dollars (\$2,190.00), pursuant to Ind. Code § 24-5-0.5-4(c)(3),

7. Defendant agrees to pay consumer restitution totaling Fifty-Seven Thousand Dollars (\$57,000.00) for distribution to the following investors:

a.	Richard Marz	\$6,500.00
b.	William Schaugg	\$20,000.00
c.	Gaylyn Woodruff	\$1,500.00
d.	Alena Tukman	\$4,000.00
e.	Kevin Hallwyler	\$25,000.00

8. Pursuant to Ind. Code § 24-5-8-15 any and all contracts between the Defendant and the investors identified in paragraph 7 above are cancelled.

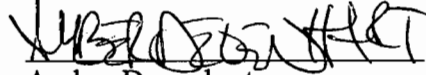
CONTINUING JURISDICTION

11. The Court shall retain jurisdiction for the purpose of issuing such orders as may be necessary to interpret or enforce the provisions herein.

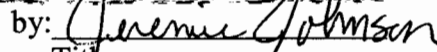
IN WITNESS THEREOF, the parties have executed this Consent Decree this 23 day of February, 2009.

STATE OF INDIANA
GREGORY F. ZOELLER
Attorney General of Indiana
Attorney No. 4150-60

By:


Amber Degenhart
Deputy Attorney General
Atty. No. 27079-49

DAILY BREW BUILDING SALES, LLC

by: 
Title: Chief Manager

Approved as to form:



Mark O'Hara, Counsel for Defendant

APPROVED, ORDERED, ADJUDGED AND DECREED this 4 day of

March, 2009.


Judge, Hendricks Superior Court

Distribution:

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